

REMARKS

This response is submitted in reply to the Final Office Action mailed on October 4, 2005. Claims 1-4 and 6-30 are pending in the patent application. Claims 23-30 have been withdrawn. Claims 4 and 19 have been held to recite allowable subject matter. Accordingly, claims 4 and 19 have been cancelled without prejudice or disclaimer and replaced in independent form by new claims 31 and 32. Additionally, Applicants acknowledge the allowed claims 6-16. No new matter has been added by any of the amendments made herein.

In the Office Action, the Patent Office objects to claim 6 because the term “lever arm” in claim 6 does not have antecedent basis in the specification. Applicants have amended claims 6-9 to overcome this objection. Specifically, Applicants have amended claims 6-9 to change the term “latch lever” to be “latch arm” and change the term “lever arm” to be “latch lever”.

The Patent Office rejects claims 1-3, 17, 18 and 23-22 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,036,391 to Holliday et al. (“Holliday”). Applicants respectfully traverse this rejection.

Amended claim 1 is directed to a fluid-dispensing apparatus including a body defining a fluid reservoir, a handle carried by the body and a work-engaging medium carried by the body. The fluid dispensing apparatus also includes a valve assembly carried by the body for providing communication between the reservoir and the medium. A flexible and resilient button is mounted on the body for movement between a rest position and a depress position. The button is manually deflectable to the depressed position for reducing the volume of the reservoir to increase the pressure within the fluid reservoir to activate the valve assembly and one of the bottom, valve and reservoir being alterable in size or orientation to provide a variable volume orientation of fluid dispensing so that a predetermined volume of fluid is dispensed by the apparatus. Depressing the

button therefore increases the pressure within the fluid reservoir because the depression of the button directly changes the volume of the reservoir.

Holliday does not disclose, teach or suggest such elements. Holliday is directed to a hand-held applicator for applying a cleaning or polishing solution to a surface which includes a housing 12, a collar member 100 that fits over the neck portion 27 of the housing 12, the air pump 20 and the cover member 40 which encloses the air pump. The air pump 20 includes a stem member 23 which is inserted into opening 25a defined by the housing 12. A user depresses or pushes inward depression member or button 30 to change and more specifically, increase the volume of air in the air pump 20. Increasing the volume of air or the pressure in air pump 20 causes air to be released from air pump 20 into housing 12 to increase the air pressure in housing 12. However, depressing the button 30 does not reduce the volume of the housing. Instead, Holliday teaches indirectly increasing the air within the housing 12 by first increasing the air pressure in air pump 20 and then altering the air pressure in housing 12 based on the air forced out of air pump 20. Holliday therefore does not disclose, teach or suggest depressing a button or any other input on the cleaning device to reduce the volume inside the reservoir as in the claimed invention.

For at least these reasons, amended claim 1 and claims 2 and 3, which depend from amended claim 1, are each patentably distinguished over Holliday and in condition for allowance.

Amended claim 17 includes certain similar elements to amended claim 1 and specifically includes “a button mounted on a handle adjacent to the reservoir” and “a resilient member carried by the button and operable to cause a direct increase in the pressure in the reservoir when the resilient member is depressed.” As described above, Holliday does not disclose, teach or suggest these elements. Accordingly, amended claim 17 and claims 18 and 20-22, which depend from amended claim 17, are each patentably distinguished over Holliday and in condition for allowance.

Claims 4 and 19 were objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants have cancelled claims 4 and 19 and rewritten these claims as new claims 31 and 32. The following paragraph summarize the elements of new claims 31 and 32.

New claim 31 includes the elements of independent claim 1, dependent claim 2, dependent claim 3 and objected to claim 4.


New claim 32 includes the elements of independent claim 17, dependent claim 18 and objected to claim 19.

In light of the above, Applicants respectfully submit that claims 1-3, 17-18, 20-22 as well as new claims 31 and 32, are patentable over the art of record because the cited art does not disclose, teach or suggest all of the elements of these claims. Accordingly, Applicants respectfully request that claims 1-3, 17-18, 20-22 and new claims 31 and 32 be deemed allowable at this time and that a timely Notice of Allowance be issued in this case.

A fee in the amount of \$400 is included herein to cover the fees for the newly added claims. If any other fees are due in connection with this application, the Patent Office is authorized to deduct the fees from Deposit Account No. 19-1351. If such withdrawal is made, please indicate the attorney docket number (37787-435600) on the account statement.

Respectfully submitted,

Seyfarth Shaw LLP
Attorneys for Assignee
55 East Monroe Street
Suite 4200
Chicago, Illinois 60603-5803
312-346-8000

By 
Christopher S. Hermanson
Reg. No. 48,244
Attorney for Applicants